IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1272 of 2006

Vidhushekhar V. Zambare .. Petitioner

versus

The Divisional Jt.Registrar, Co-op Society, Pune Division & ors. .. Respondents

...

Dr.V.K. Choudhary for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 2nd March 2006.

P.C.:

1. Heard.

2. Learned counsel for the petitioner states that though in the title of the impugned order, it is mentioned that it is a revision under section 154 of the Maharashtra Co-operative Societies Act, 1960 (for

short "the MCS Act"). In fact, the petitioner had filed an appeal u/s.152 of the MCS Act and it was heard as an appeal. He further states that even in the body of the judgement, parties are referred to as "appellant" and "respondents" and not as "revision applicant" and "opponent". If so, the order which is an appellate order u/s.152 of the MCS Act, can be challenged in a revision u/s.154 before the state government. The petitioner would thus have other efficacious remedy available.

3. In view of this, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to challenge the impugned order before the state government. Leave granted.

4. Petition dismissed as withdrawn.

(D.G. KARNIK, J)